

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 245 be amended to read as follows:

- 1 Page 64, between lines 17 and 18, begin a new paragraph and insert:
- 2 "Sec. 16. (a) This section does not apply to a provider of
- 3 commercial mobile service (as defined in IC 47 U.S.C. 332).
- 4 (b) A telecommunications service provider that applies for a
- 5 certificate of territorial authority under section 6 of this chapter
- 6 must submit the following to the commission:
- 7 (1) A map and a deployment schedule that identifies the
- 8 service areas in each unit that the applicant proposes to serve.
- 9 (2) Any other documentation required by the rules of the
- 10 commission to establish that the proposed service area and the
- 11 deployment schedule for that service area are
- 12 nondiscriminatory.
- 13 The documentation required under this section is in addition to the
- 14 documents required under section 6 of this chapter.
- 15 (c) A telecommunications service provider may not discriminate
- 16 on the basis of race, religious affiliation, national origin, age,
- 17 gender, military service, or economic status in providing,
- 18 delivering, or deploying the provider's telecommunications service.
- 19 (d) In selecting a service area under section 6 of this chapter, an
- 20 applicant shall provide a deployment schedule containing the
- 21 applicant's commitment to concurrently provide
- 22 telecommunications service to a sub-median area within the service
- 23 area for each median area in which the applicant intends to
- 24 provide telecommunications service within the service area.
- 25 (e) For purposes of this section:

(1) "median area" means a census tract in a unit where the average household income is equal to or greater than the median household income of the unit; and

(2) "sub-median area" means a census tract in a unit where the average household income is less than seventy-five percent (75%) of the median household income of the unit."

Page 70, delete lines 23 through 27, begin a new line block indented and insert:

"(6) A map and deployment schedule that identifies the service areas in each unit proposed to be served by the applicant, along with any documentation required by the rules of the commission to establish that the proposed service area and the deployment schedule for that service area are nondiscriminatory."

Page 70, line 28, delete "(8)" and insert "(7)".

Page 70, line 30, delete "(9)" and insert "(8)".

Page 70, line 34, delete "(10)" and insert "(9)".

Page 71, line 8, delete "Not" and insert **"Subject to the requirements of section 28 of this chapter, not"**.

Page 71, line 42, delete "that a provider is subject" and insert **"that:**

(1) is necessary to ensure compliance with section 28 of this chapter; or

(2) a provider is subject to under the terms of a settlement agreement approved by the commission before July 29, 2004."

Page 72, delete lines 1 through 2.

Page 73, line 21, after "." insert **"A holder's proposed change must be consistent with the requirements of sections 16(b)(6) and 28 of this chapter."**

Page 74, line 42, delete "obligations:" and insert **"obligations incurred by the provider that are owed to any private person."**

Page 75, delete lines 1 through 14.

Page 75, line 15, delete "(c)" and insert **"(b)"**.

Page 75, line 16, delete "arising out of the terminated local franchise".

Page 75, line 17, delete "and".

Page 75, line 19, after ";" insert **"and"**.

Page 75, line 21, delete "chapter; and" and insert **"chapter."**

Page 75, delete lines 22 through 25.

Page 75, line 26, delete "(d)" and insert **"(c)"**.

Page 75, line 35, delete "(e)" and insert **"(d)"**.

Page 75, between lines 40 and 41, begin a new paragraph and insert:

"(f) As used in this section, "private person" does not include:

(1) the unit that issued the terminated local franchise;

(2) a political subdivision (as defined in IC 36-1-2-13) not described in subdivision (1); or

(3) any official, agent, or employee of:

- 1 **(A) the unit that issued the terminated local franchise; or**
 2 **(B) a political subdivision described in subdivision (2);**
 3 **in the individual's official capacity."**

4 Page 84, delete lines 2 through 42, begin a new paragraph and insert:

5 **"Sec. 28. (a) A holder may not discriminate on the basis of race,**
 6 **religious affiliation, national origin, age, gender, military service,**
 7 **or economic status in providing, delivering, or deploying video**
 8 **service.**

9 **(b) In selecting a service area under section 16(b)(6) of this**
 10 **chapter, an applicant shall provide a deployment schedule**
 11 **containing the applicant's commitment to concurrently provide**
 12 **video service to a sub-median area within the service area for each**
 13 **median area in which the applicant intends to provide video service**
 14 **within the service area.**

15 **(c) For purposes of this section:**

16 **(1) "median area" means a census tract in a unit where the**
 17 **average household income is equal to or greater than the**
 18 **median household income of the unit; and**

19 **(2) "sub-median area" means a census tract in a unit where**
 20 **the average household income is less than seventy-five percent**
 21 **(75%) of the median household income of the unit."**

22 Page 85, delete lines 1 through 17.

(Reference is to ESB 245 as printed February 22, 2006.)

Representative Messer